

## **REMARKS - TABLE OF CONTENTS**

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## **I. STATUS OF CLAIMS**

Claims 1-70 are pending. “Claims 1 -70 [stand] rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims<sup>1</sup> of U.S. Patent No. 7,053,998 B2 in view of 7,045,760 B2 and U.S. Patent No. 7,053,998 B2 in view of 7,053,809 B2.” *See Examiner’s Office Action* p. 3 (09 August 2006).

With respect to the pending claims, Examiner Valentin (hereinafter Examiner) has stated “Claims 1, 38, and 58 [stand] objected to as being a rejected base claim, but would be allowable if a timely filed terminal disclaimer is filed and/or rewritten to overcome the 35 U.S.C. §101 [non-statutory double patenting rejection] and including all of the limitations of the base claim.” *See Examiner’s Office Action* p. 4 (09 August 2006).

## **II. TERMINAL DISCLAIMER FILED HERewith; CLAIMS 1-70 ALLOWABLE**

Responsive to Examiner, Applicant Entity (hereinafter “Applicant”) is filing herewith a terminal disclaimer with respect to Claims 1-37, 38-57, and 58-70 identified by Examiner as allowable subject to a terminal disclaimer to overcome indicated non-statutory double patenting.

Applicant notes for the record that although Applicant is filing a terminal disclaimer herewith, Applicant expressly does NOT agree with Examiner regarding the rejection of “Claims 1 -70 ... on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 7,053,998 B2 in view of 7,045,760 B2 and U.S. Patent No. 7,053,998 B2 in view of 7,053,809 B2.” The filing of the terminal disclaimer herein should not be taken as an admission of any sort nor should such filing be taken as acquiescence in Examiner’s assertion regarding any “non-statutory obviousness-type double patenting.” Applicant does believe pending Claims 1-70 are independently patentable over the claims, as outlined in Examiner Valentin’s table (see Appendix A), of U.S. Patent No. 7,053,998 B2 in

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<sup>1</sup> Examiner Valentin has supplied an extensive table – see Appendix A of this present paper -- that clearly indicates the reasoning underlying Examiner Valentin’s double patenting rejections. Applicant hereby expresses appreciation to Examiner Valentin for the work that went into the table.

view of 7,045,760 B2 and U.S. Patent No. 7,053,998 B2 in view of 7,053,809 B2”, and is merely filing the Terminal Disclaimer to advance prosecution.<sup>2</sup>

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<sup>2</sup> Specifically, Applicant respectfully points out that there is no teaching to combine U.S. Patent No. 7,053,998 B2 with 7,045,760 B2 and/or U.S. Patent 7,053,809 B2, and thus one of skill in the art would not have been motivated to combine as suggested by Examiner.

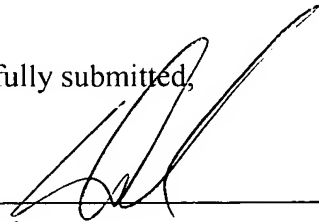
#### **IV. SUMMARY AND/OR CONCLUSION**

Applicant does not consider the art of record to render the pending claims unpatentable. Insofar as that the Applicant has herein filed a terminal disclaimer responsive to Examiner, Applicant may not have herein explicitly addressed all the rejections and/or statements in Examiner's Office Action. The fact that the rejections and/or statements are not herein explicitly addressed should NOT be taken as an admission of any sort, and Applicant hereby reserves any and all rights to contest such rejections and/or statements at a later time. Specifically, no waiver (legal, factual, or otherwise), implicit or explicit, is hereby intended.

If the undersigned attorney has overlooked a relevant teaching in any of the references, the Examiner is requested to point out specifically where such teaching may be found. Furthermore, although not expressly set forth herein, Applicant continues to assert all points of any previous Office Action, and no waiver (legal, factual, or otherwise), implicit or explicit, is hereby intended.

The Examiner is encouraged to contact the undersigned at (425) 467-2356 to discuss the above and any other distinctions between the claims and the applied references, if desired. If the Examiner notes any informalities in the claims, he is encouraged to contact the undersigned by telephone to expediently correct such informalities.

Respectfully submitted,



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DRC:jmb

Enclosures:

Postcard  
Check  
Post-Filing Transmittal (+ copy)  
Terminal Disclaimer  
Appendix A

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